

MINUTES OF THE LAFAYETTE COMMON COUNCIL
June 4, 2007
REGULAR MEETING

The Common Council of the City of Lafayette, Indiana met in regular session on Monday, June 4, 2007 at 7:00 p.m. in the City Hall Council Chambers, 20 North 6th Street, Lafayette, Indiana.

President Weast-Williamson called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was given to the flag of our Country.

The following members were:

Present: Heide, Klinker, Meyer, Brown, Rhoda, Smith and Weast-Williamson.

Absent: Probasco, Campbell.

The City Clerk stated that there was a quorum present.

City Clerk Cindy Murray and City Attorney Ed Chosnek were present.

Councilman Meyer moved to recess for the purpose of a Public Hearing on Ordinance 2007-10 (An Ordinance for Appropriation of Local Option Highway User Tax Fund County Wheel Tax-Fund #249), Councilman Brown seconded. There was no public comment. Councilman Meyer moved to reconvene to the regular meeting, Councilman Klinker seconded. The motion passed by unanimous voice vote.

Councilman Meyer moved to approve the minutes from the May 7, 2007 regular meeting. Councilman Brown seconded. The motion passed by unanimous voice vote.

The Clerk stated that there were no Claims, Petitions or Communications.

The Clerk stated the following reports are available in the City Clerk's Office:

Clerk's Office Monthly - April 2007
Water Works Plant Monthly - April 2007
Water Works Plant – Annual Report 2006
Water Pollution Control Monthly - April 2007
Police Department Monthly – April 2007
Motor Vehicle Monthly & Fleet Maintenance Dept. - April 2007
Engineering Department - Annual Report 2006

Ordinances for Second Reading:

The Clerk read Ordinance 2007-11 (An Ordinance for Voluntarily Annexing Certain Lands into the City of Lafayette, Indiana, Schroeder Voluntary Annexation) by title only on second and final reading. Councilman Brown moved for passage, Councilman Smith seconded. Dennis Carson, Redevelopment Director, spoke on behalf of the proposal and was available for questions. There were none. Ordinance 2007-11 passed 6-0 on a roll call vote on second and final reading.

The Clerk read Ordinance 2007-10 (An Ordinance for Appropriation of Local Option Highway User Tax Fund County Wheel Tax Fund #249) by title only on second and final reading. Councilman Meyer moved for passage, Councilman Heide seconded. Mayor Roswarski spoke regarding scheduled road resurfacing. Councilman Meyer questioned if an alley request list was on file. Mayor Roswarski replied there was and encouraged citizens to call his office or Dan Crowell, Street Commissioner, if there was an alley that is in dire need of repaving. Ordinance 2007-10 passed 6-0 on a roll call vote on second and final reading.

The Clerk read Ordinance 2007-14 (An Ordinance Amending Chapter 10 of the Lafayette Municipal Code-Animals, by Repealing said Chapter in its Entirety and Replacing the same with a New Chapter 10) by title only on second and final reading. Councilman Meyer moved for passage, Councilman Brown seconded. Councilman Klinker moved to amend Ordinance 2007-14 by replacing Section 10.01.031. Paragraph (a) of Chapter 10 of the Lafayette Municipal Code-Animals from:

- (a) *No person shall allow a dog or cat which is kept by that person to defecate or urinate on a public street, byway, municipally owned or public land or building, or upon private property in the city with out prior permission of the owner of such property. If an animal defecates on any property, including that of the animal's owner or keeper the animal's owner or keeper shall promptly remove any feces to a waste container, or otherwise dispose of such material in a manner inoffensive to reasonable public sensibilities, and shall not allow waste to accumulate to offensive nuisance levels*

To new Section 10.01.031 Paragraph (a) of Chapter 10 of the Lafayette Municipal Code-Animals:

- (a) *No person shall allow a dog or cat which is kept by that person to defecate on a public street, byway, municipally owner or public land or building, or upon private property in the city without promptly removing any feces to a waster container, or otherwise dispose of such material in a manner inoffensive to reasonable public sensibilities, and shall not allow waste to accumulate to offensive nuisance levels.*

No person shall allow their dog or cat to repeatedly urinate on municipally owned or public land or building, or upon private property in the city (including shrubs, trees, plants, specific areas or grass or private items) that would result in the destruction or damage of said item or area.

Councilman Smith seconded. The Amendment passed 6-0 on a roll call vote. Police Chief Don Roush, was available for questions, there were none. Ordinance 2007-14, as amended, passed 6-0 on a roll call vote on second and final reading.

The Clerk read Ordinance 2007-15 (An Ordinance to Amend Amended Ordinance 2006-25, An Ordinance Fixing the Salaries of the Appointed Officers and Employees of the City of Lafayette, Indiana for the Year 2007, Excluding the Sworn Protective Occupation and Law Enforcement Members of the Police and Fire Departments) by title only on second and final reading. Councilman Heide moved for passage, Councilman Brown seconded. Chief Roush was available for questions, there were none. Ordinance 2007-15 passed 6-0 on a roll call vote on second and final reading.

Ordinances for First Reading:

The Clerk read Ordinance 2007-16 (An Ordinance to amend the Zoning Ordinance of Tippecanoe County, Indiana, to rezone certain real estate from **GB** to **R1B**, Cascada Professional Park LLC, Petitioner, West side of Park East Boulevard) by title only on first and final reading. Councilman Brown moved for passage, Councilman Klinker seconded. Dan Teder, Attorney for the petitioner, presented a detailed plan of the development consisting of single family town homes. John Gibson, 3113 Stoney Drive, expressed concern over new housing development with the increased mortgage foreclosures in the City. Mayor Roswarski addressed the concern stating this is one of the few new subdivisions to be built within City limits and it is being developed and built by local builders on a very slow basis, one to two homes per month be built over a three to four year period. Mayor Roswarski also stated with the new development in the area of two hospitals and increased production in several local factories, many new residents will be looking to purchase homes. If desired housing is not available in the City limits, residents will locate outside of the City or Tippecanoe County. Mayor Roswarski stated he strongly supports the project as a very appropriate need for the City of Lafayette. Ordinance 2007-16 passed 6-0 on a roll call vote on first and final reading.

The Clerk read Ordinance 2007-17 (An Ordinance to amend the Zoning Ordinance of Tippecanoe County, Indiana, to rezone certain real estate from **GB** to **PDMX**, Puzzle Factory Lofts, LLC, Petitioner, Warren Industries, southeast corner of South Street and Earl Avenue) by title only on first and final reading. Councilman Meyer moved for passage, Councilman Smith seconded. Paul Coats, Representative of the petitioner, gave a brief history of the property and explanation of the proposal. After review of condominiums in the community, the petitioner concluded the community would be interested in more amenities and larger units. Mr. Coats continued explaining the proposed landscape, parking issues and traffic flow. Councilman Heide questioned the need of five thousand square foot condominiums. Mr. Coats stated the petitioner has researched other communities that have established "Factory Condominiums" and this would be unique to the community. Councilman Meyer questioned if a market study has been performed or supporting data by the petitioner. Mr. Coats stated his client has and feels there is a need in the local market. Discussion ensued regarding the layout of the condominiums. Ordinance 2007-17 passed 6-0 on a roll call vote on first and final reading.

The Clerk read Ordinance 2007-18 (An Ordinance adding Chapters Regulating the use of Consumer Fireworks to Title 11 of the Lafayette Municipal Code-Public Safety and Nuisance) by title only on first reading. Councilman Brown moved for passage, Councilman Meyer seconded. Councilman Meyer stated he sponsored the proposal in response to numerous citizen complaints regarding noise, public safety and neighborhood disruptions caused by consumer fireworks after new state legislation in 2006 allowed for use of "consumer fireworks" in the State of Indiana. Councilman Meyer explained after investigation in 2006 there was no recourse for individual cities. However, newly adopted state legislation in 2007 allows cities to regulate the days of the year consumer fireworks can be used. Councilman Meyer referred to Ed Chosnek, City Attorney, for further explanation. Mr. Chosnek gave a brief explanation of "consumer fireworks" as aerial devices which include: skyrockets, missile type rockets, helicopters, aerial spinners, roman candles, mines, shells and firecrackers. Items not restricted are fountains, sparklers, snakes, and smokers. None of these devices are regulated. Mr. Chosnek noted change in state statute adopted this year was in urgent response to numerous complaints throughout the state, this allows the cities to have more control for consumer safety in regards to fireworks. Councilman Rhoda questioned enforcement plans by Lafayette Police. Chief Roush stated anything outside of what the ordinance would restrict, would be enforced with discretion by the officer/officers responding to complaints. Councilman Klinker questioned the affect of the fireworks season on the Fire Department. Ron Ritchey, Assistant Chief, stated they do see an increase in calls and the Department has responded to fires in the past due to fireworks. Jan Ermel, 2513 Meadowbrook Drive, spoke in opposition of consumer fireworks. Wick Dixon, 3204 Elmwood Ave, suggested fireworks only be allowed three days before and three day after the Fourth of July. Councilman Meyer stated the dates cannot be reduced further than the new state law allows.

Perry Barbee, 1714 Union Street, spoke in support of the proposed changes but felt Patriot Day should be celebrated rather than New Years. Pat Wilkerson, 1101 Brown Street, spoke in support of the proposal. Ordinance 2007-18 passed 6-0 on a roll call vote on first reading.

There were no Resolutions.

There were no Reports of Standing Committees or Special Committees.

There was no Report by Mayor.

Miscellaneous or New Business:

Dennis Carson, Director of Development, presented the following Compliances of statements of benefits for approval:

Historic Jeff Centre- LP

Councilman Meyer moved to find Historic Jeff Centre in compliance, the motion passed by unanimous voice vote.

Lafayette Lahr, LLC

Councilman Meyer moved to find Lafayette Lahr in compliance, Councilman Klinker seconded. The motion passed by unanimous voice vote.

Alcoa, Inc.

Councilman Brown left the Chamber due to conflict.

Mr. Carson stated Alcoa had not met their projected job creation or retention due to economic circumstances and recognized a representative from the company in attendance. Councilman Rhoda noted concern regarding the company's job retention and referred to the representative. Pam Leonard, Alcoa Human Resource Manager, stated their commitment was made in 1996 and the company now faces competitive pressures from the use of alternative materials composites with respect to the aerospace industry along with labor costs both domestic and abroad. The company has reduced the number of employees with the intention of making the company competitive so that they can remain a long term employer in Lafayette. Councilman Rhoda questioned the term of the abatement. Mr. Carson explained the abatement was granted in 1996 but the investment was not made until a later time. Discussion ensued. Councilman Meyer spoke regarding the projected job creation in 1996 that was committed in the abatement, noting it was to create twelve (12) additional jobs and retain 1,102 jobs. The company's actual job retention is 857 and the new jobs were never created, netting a loss of expected jobs totaling 257 jobs. Ms. Leonard she could not confirm that the company will not be able to create 257 jobs, stating the initial application for the abatement was to position with respect to the economic circumstances that they projected at that time, but the

company now faces new challenges and competitiveness along with weakness in the economy over the long term. Discussion ensued. Councilman Rhoda stated as a representative of the people he was hesitant to vote in favor of the compliance due to the decrease in the jobs and none were added. More discussion ensued. Councilman Klinker moved to find Alcoa in compliance, Councilman Smith seconded. The motion failed by voice vote.

President Weast-Williamson called for a roll call vote. The motion to find Alcoa in compliance passed 3 - 2 on a roll call vote as follows:

Ayes: Heide, Klinker, Smith

Nays: Meyer, Rhoda

Councilman Brown returned to Chamber.

Browell Enterprise Incorporated, DBA/Custom Machine Shop

Councilman Meyer moved to find Browell Enterprise in compliance, Councilman Smith seconded. The motion passed by unanimous voice vote.

Caterpillar, Inc.

Councilman Meyer moved to find Caterpillar in compliance, Councilman Heide seconded. The motion passed by unanimous voice vote.

FedEx Ground Packaging System, Inc.

Councilman Meyer moved to find FedEx in compliance, Councilman Smith seconded. The motion passed by unanimous voice vote.

Hanson Cold Storage Co. of Indiana

Councilman Meyer moved to find Hanson Cold Storage in compliance, Councilman Klinker seconded. The motion passed by unanimous voice vote.

Market Square Realty, LLC

Councilman Klinker moved to find Market Square in compliance, Councilman Smith seconded. The motion passed by unanimous voice vote.

Rea Magnet Wire Company, Inc.

Councilman Meyer moved to find Rea Magnet Wire in compliance, Councilman Klinker seconded. The motion passed by unanimous voice vote.

Subaru of Indiana Automotive-(Seven (7) compliances)

Councilman Klinker moved to find Subaru of Indiana Automotive in compliance, Councilman Brown seconded. The motion passed by unanimous voice vote.

Toyota Motor Manufacturing, Northern Kentucky, Inc.

Councilman Klinker moved to find Toyota Motors in compliance, Councilman Rhoda seconded. The motion passed by unanimous voice vote.

Toyota Tsusho America, Inc

Councilman Rhoda moved to find Toyota Tsusho in compliance, Councilman Meyer seconded. The motion passed by unanimous voice vote.

TRW Automotive US, LLC

Councilman Meyer moved to find TRW in compliance, Councilman Klinker seconded. The motion passed by unanimous voice vote.

Wabash National, LP–(five (5) compliances)

Councilman Rhoda moved to find Wabash National in compliance, Councilman Smith seconded. The motion passed by unanimous voice vote.

Reports of Councilman:

President Weast-Williamson announced that Rick Hobbs had submitted a letter to remain on the Police Civil Service Commission. Councilman Klinker moved for approval, Councilman Smith seconded. The Motion passed by unanimous voice vote.

There was no Public Comment.

With no further business to come before the Council, Councilman Rhoda moved to adjourn, Councilman Smith seconded. The meeting was adjourned at 8:40 pm.

Minutes prepared by Cindy Murray, City Clerk

Complete audio of meeting available in the City Clerks office or at www.lafayette.in.gov